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May 4, 1995

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MAY 4 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

Herewith transmitted, on behalf of Easterbrooke Cellular Corporation ("Easterbrooke") and United States Cellular Corporation ("USCC"), are an original and four copies each of a "Petition For Rulemaking" and "Motion For Stay." Easterbrooke and USCC propose that the FCC amend Section 22.949 of its rules to provide that those portions of RSAs within the National Radio Quiet Zone not serve as a basis for or be subject to "unserved area" applications. Easterbrooke's and USCC's Motion For Stay requests that the filing of "Phase I" or Phase II" unserved area applications proposing Service Area Boundaries which extend, in whole or in part, into the National Radio Quiet Zone be stayed during the pendency of rulemaking proceeding.

In the event there are any questions concerning this matter, please communicate with this office.

Very truly yours,


Peter M. Connolly

Enclosures

cc (w/encl.): A. Thomas Carroccio, Esq.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ORIGINAL

In the Matter of)
)
Amendment of Section 22.949)
of the Commission's Rules To) RM -
Provide For A Moratorium On)
Acceptance of "Unserved Area")
Cellular Applications Within)
The National Radio Quiet Zone)

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MAY 4 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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Table of Contents And Summary
of Petition For Rulemaking

Easterbrooke Cellular corporation ("Easterbrooke") and United
States Cellular Corporation ("USCC") hereby provide a Table of
Contents and Summary of their attached Petition For Rulemaking.

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Summary

Easterbrooke and USCC request that the FCC amend its rules to preclude the filing of "Phase I" or "Phase II" "unserved area" applications which propose coverage within the National Radio Quiet Zone ("Quiet Zone").

The standards employed by the National Radio Astronomy Observatory ("NRAO") in Green Bank, West Virginia to prevent or minimize possibly harmful interference to the NRAO have had the effect of barring cellular facilities from parts of the Quiet Zone and of imposing severe constraints on other facilities. Accordingly, the FCC's rationale for allowing a five year "build out" period for cellular licensees, after which markets could be opened to new applicants for areas left unserved, is not applicable in RSAs overlapping the Quiet Zone. In those markets, the existence of large unserved areas at the conclusion of the five year build out period is a result not of an unwillingness to serve the relevant market on the part of its licensee but of a unique government policy precluding service.

Accordingly, Easterbrooke and USCC propose that no RSA unserved area applications be accepted which propose service within the Quiet Zone. Rather, Quiet Zone licensees should be able to apply to serve the Quiet Zone during their license terms under the rules in effect during their five year build out period, and should be allowed to take advantage of any relaxation in Quiet Zone

restrictions or new engineering techniques permitting better coverage within the Quiet Zone.

Also, adopting the rule proposed will prevent major administrative difficulties for the FCC, which otherwise might have to process many ungrantable unserved area applications and the NRAO, which might not be consulted in advance by unserved area applicants or might have to evaluate many applications which could not be granted.

In light of the imminence of Quiet Zone unserved area filing deadlines, Easterbrooke and USCC also seek to stay the filing of any unserved area applications, including those of unserved area licensees, proposing coverage in the Quiet Zone while the FCC considers this rulemaking request.

Before The
Federal Communications Commission
Washington, DC 20554

In The Matter of)
)
Amendment of Section 22.949)
of the Commission's Rules To) RM -
Provide For A Moratorium On)
Acceptance of "Unserved Area")
Cellular Applications Within The)
National Radio Quiet Zone)

DOCKET FILE COPY ORIGINAL

PETITION FOR RULEMAKING

Easterbrooke Cellular Corporation ("Easterbrooke") and
United States Cellular Corporation ("USCC") (jointly
"Petitioners"), pursuant to Section 1.401 of the Commission's
rules, hereby submit a Petition For Rulemaking ("Petition")
requesting that the FCC amend Section 22.949 of its rules to
provide that those portions of RSAs within the National Radio
Quiet Zone ("Quiet Zone") not serve as a basis for or be subject
to "unserved area" applications.¹ And, in the interim between
the public notice of the acceptance for filing of this Petition

¹Easterbrooke is the non-wireline cellular licensee in West Virginia RSA #5 - Tucker and USCC is the parent company of Hardy Cellular Telephone Company ("Hardy"), wireline licensee in West Virginia RSA #5 and of various other licensees in markets which overlap to some extent with the Quiet Zone, among them Virginia RSA #4 - Bedford (non-wireline), Virginia RSA #5 - Bath (non-wireline), Virginia RSA #7 - Buckingham (non-wireline), West Virginia RSA #2 - Wetzel (non-wireline), West Virginia RSA #3 - Monongalia (wireline) and West Virginia RSA #4 - Grant (wireline). USCC also has agreements to acquire the wireline licensee in West Virginia RSA #7 - Raleigh and the non-wireline licensees in the Roanoke, Lynchburg, and Charlottesville, VA MSAs.

and possible FCC action in response to it, Petitioners, in a companion motion, request a stay of the acceptance of any "unserved area" applications proposing Service Area Boundary coverage of any portion of the Quiet Zone.

As is shown below, amending the rule as requested herein would be equitable and just to the licensees in the relevant markets, would conserve the resources of the FCC and the National Radio Astronomy Observatory ("NRAO"), would not result in any loss of cellular service to the public and would be consistent with the objectives of Section 22.949 of the Commission's Rules.

As noted above, Petitioners request that during the pendency of this rulemaking proceeding, the FCC stay the acceptance of any RSA "unserved area" applications proposing 32 dBu contour coverage within the Quiet Zone. It is urgently necessary for the FCC to act expeditiously on this issue as the time is fast approaching for unserved area applications to be filed in the RSA markets most affected by Quiet Zone considerations.

I. Background

The Quiet Zone was established in 1958 and encompasses an area of approximately 13,000 square miles. A map depicting the Quiet Zone and the markets it covers is attached hereto.²

(Attachment A). The Quiet Zone was created to minimize possible harmful interference to the NRAO, located at Green Bank, West

² See Order in Docket 11745, released November 19, 1958.

Virginia, which is located within West Virginia RSA #5³. The Quiet Zone is defined by the following latitudes and longitudes:

Northern Boundary	-	39	15'	N Latitude
Southern Boundary	-	37	30'	N Latitude
Eastern Boundary	-	78	30'	W Longitude
Western Boundary	-	80	30'	W Longitude

Section 22.369(a) of the FCC's Rules requires that the NRAO be notified of any proposed Part 22 base station within the Quiet Zone.⁴ The NRAO, which coordinates interference protection for the NRRO as well as itself, then has a 20 day comment or objection period. If the NRAO does not find the facility objectionable, it notifies the Commission in writing with a copy to the applicant (which letter is included with the Form 489, Form 401 or Form 600 filing when it is made with the FCC).

If the NRAO objects to the proposed facilities, the FCC, pursuant to Section 22.369(a)(3) of its Rules, "will, after consideration of the record, take whatever action is deemed appropriate." In practice, the FCC always defers to the NRAO's position. Any cell site within the Quiet Zone not approved by the NRAO will not be licensed.

It is undisputed that the standards employed by the NRAO to prevent or minimize possibly harmful interference to the observatories have had the effect of absolutely barring cellular

³ The Quiet Zone is also designed to protect the Naval Radio Research Observatory ("NRRO"), which is located at Sugar Grove, Pendleton County, West Virginia, part of West Virginia RSA #5.

⁴ The Quiet Zone restrictions are not service specific, but cover all classes of facilities licensed by the Commission. See, e.g. Section 73.130 concerning broadcast facilities.

facilities from parts of the Quiet Zone and of imposing severe restrictions on other facilities.⁵ For example, both Easterbrooke and Hardy have been advised on many occasions that the NRAO would only consent to proposed cellular facilities if the Effective Radiated Power employed was far less than one watt. Attached hereto (Attachments B and C) are two examples of letters from the NRAO to USCC advising USCC that proposed cells near Elkins, West Virginia (in West Virginia RSA #5) and Covington, Virginia (in Virginia RSA #5) would be limited to .08 watts and 0.05 watts ERP respectively. Attached hereto as Attachments, D, E, and F are letters from the NRAO to the representative of Easterbrooke advising him that certain proposed West Virginia RSA #5 cells of Easterbrooke would be limited to .000031 watts, 0.04 watts, 0.01 watts, 1.7 watts and 0.07 watts respectively. The deleterious impact on licensees' ability to provide cellular service is obvious, especially in light of the mountainous terrain in those parts of West Virginia and Virginia which comprise the majority of the Quiet Zone.⁶

⁵ The NRAO's announced criteria are as follows.

The computed power density the transmitter produces at the Observatory reference antenna should not exceed:

- 1 x 10⁻⁸ W/M² for frequencies below 54 mHz;
- 1 x 10⁻¹² W/M² for frequencies from 54 to 108 mHz;
- 1 x 10⁻¹⁴ W/M² for frequencies from 108 to 470 mHz;
- 1 x 10⁻¹⁷ W/M² for frequencies from 470 to 1000 mHz;
- 8² (GHz) x 10⁻¹⁷ W/M² for frequencies (f) above

1 GHz; except CCIR-224 densities for the radio astronomy frequency bands plus narrow guard bands.

⁶ Failure to complete build out of those markets has not been the result by any lack of diligence on the part of the licensees. As of this date, despite the severe constraints imposed by the

(continued...)

II. The Commission Should Amend Its Rules
To Preclude The Filing of "Unserved Area"
Applications Within The Quiet Zone

There are fifteen cellular markets which overlap in whole or in part the Quiet Zone. The following chart lists all the markets, with their percentage overlap with the Quiet Zone and the five year "build out" deadline for their wireline and non-wireline systems.

<u>Market</u>	<u>Percentage of Market Within Quiet Zone</u>	<u>"A" Block Build Out Deadline</u>	<u>"B"Block Build Out Deadline</u>
Roanoke, VA MSA (Market 157)	43%	10-10-92	9-13-91
Lynchburg, VA MSA (Market 203)	32%	9-12-94	2-19-92
Charlottesville, VA MSA (Market 256)	46%	6-16-94	2-2-92
Cumberland, MD MSA (Market 269)	.01%	5-19-92	11-2-93
Maryland RSA #1-Garrett (Market 463)	1%	9-20-95	5-29-95
Virginia RSA #4-Bedford (Market 684)	3%	7-19-95	10-26-95
Virginia RSA #5-Bath (Market 685)	100%	7-12-95	9-17-95

⁶(...continued)

Quiet Zone regulations, Easterbrooke has constructed and placed in operation seven cells covering 25% of West Virginia RSA #5 and Hardy has constructed and placed in operation three cells covering 27.4% of the market. Easterbrooke is planning to add three more cells by the end of its five year build out period, which will increase its coverage to approximately 42% of the market (including all portions of the market lying outside the Quiet Zone). Hardy will add four cells which will increase its coverage to 58.5%. Hardy's coverage in West Virginia RSA #5 is also assisted by USCC's ownership of licensees in neighboring markets, which allows for increased power by cells located close to West Virginia RSA #5's eastern border. However, as is demonstrated in the attached maps, (Attachments G and H) which show Hardy's existing and projected coverage in West Virginia RSA #5, Quiet Zone restrictions will still preclude coverage of the eastern forty percent of the market.

Virginia RSA #6-Highland (Market 686)	100%	6-26-95	9-17-95
Virginia RSA #7-Buckingham (Market 687)	10%	6-08-95	7-27-95
Virginia RSA #10-Frederick (Market 690)	19%	8-13-95	8-30-95
West Virginia RSA #2-Wetzel (Market 702)	9%	8-13-95	9-17-95
West Virginia RSA #3-Monongalia (Market 703)	22%	9-20-95	3-25-96
West Virginia RSA #4-Grant (Market 704)	59%	4-23-95	3-25-96
West Virginia RSA #5-Tucker (Market 705)	66%	7-12-95	5-29-95
West Virginia RSA #7-Raleigh (Market 707)	21%	5-11-95	7-27-95

The MSA markets referred to above either have minimal overlap with the Quiet Zone or are located relatively far from the NRAO. It is upon certain RSA markets, most particularly West Virginia RSAs 4 and 5, in which are actually located the NRAO and the NRRRO, that the detrimental impact of the Quiet Zone is most severe. Moreover, with respect to the RSA markets listed above, especially those in West Virginia and Virginia, it is clear (a) that their five year build out deadlines are fast approaching and (b) that the degree of their overlap with the Quiet Zone and, in most cases, proximity to the NRAO, means that there will be sizable unserved areas remaining in those markets at the end of the five year "build out" period.

In 1987, the FCC stated its essential rationale for allowing a five year build out period for licensees to construct their systems before other applicants could file for unserved areas within the relevant markets:

"[S]ince technical problems related to site locations, terrain, and contour coverage that may require some expansion of the CGSA are most likely occur in the early

part of the construction period, we believe that five years is sufficient.... Furthermore, we believe that the five year period which includes the initial period to complete construction under our rules provides enough time to identify either unpredicted demand outside the CGSA or changing patterns in demand that might justify expansion of the CGSA.

Amendment of the Commission's Rules For Rural Cellular Service, 2
FCC Rcd 2306, 2308 (1987).

At that time, the FCC expressed its agreement with the "consensus" expressed in the comments filed in the proceeding that:

"licensees and permittees should be permitted some specified protected period for expanding cellular systems but should not be given an undue amount of time to do so free of competitive applications."

Id.

However, that sensible rationale for allowing unserved area applications by new applicants after a five year period has elapsed from the date of the original construction permit is not properly applicable when a licensee has been precluded from expanding its coverage not by any unwillingness to provide service but rather by a unique restriction resulting from an activity of the federal government itself. Thus, it would, we submit, be unfair to present Quiet Zone cellular licensees if, at some time in the future after their five year build out periods had expired, Quiet Zone restrictions were relaxed or new engineering techniques were developed which would permit a greater degree of Quiet Zone coverage by cellular systems and those licensees were not allowed a reasonable opportunity to provide that additional service.

Equally importantly, permitting unserved area applications to be filed for locations within and extending into the Quiet Zone has the potential to create major administrative difficulties for the NRAO and the FCC itself.

It would not make sense either to permit new "unserved area" applicants proposing locations affecting the Quiet Zone to submit Phase I (or Phase II) applications which had not been cleared by the NRAO or to require the NRAO to review conflicting proposals by unserved area applicants when it was uncertain which, if any, of them could be granted.

Also it would create unacceptable administrative uncertainty to allow Quiet Zone unserved area applicants to file applications containing proposals which were under consideration but were, as yet unapproved by the NRAO. It is also probable that the legal uncertainties generated by such questionable applications would generate requests for declaratory rulings, petitions to deny and other FCC filings. Such filings would consume the time of the Wireless Bureau, the NRAO, incumbent licensees and unserved area applicants with no productive purpose being served.

It is quite unlikely that unserved area applicants will find a way to meet NRAO requirements which has eluded RSA licensees who have sought unsuccessfully to provide seamless service for the past five years despite having every incentive to do so. The more likely result would be the filing of a number of ungrantable applications which would be inconclusively involved in the FCC's administrative processes for years to come and would also have

the effect of preventing incremental improvements in service by the present incumbent licensees. Thus, there is no reason to believe that permitting unserved area applications to be filed will improve service to the public and every reason to believe it may detract from it.

III. The FCC Should Amend Section 22.949
As Described Below And Should, In
Any Case, Stay The Rule's Effect On
the Quiet Zone Until The Commission
Has Had An Opportunity To Consider
This Request

Petitioners would recommend that Section 22.949 be amended by the addition of a new paragraph, paragraph (e), which would provide as follows:

"(e) Quiet Zone Provisions. Notwithstanding the provisions of Section 22.949(a)-(d), no Phase I or Phase II unserved area applications for RSAs will be accepted which propose Service Area Boundaries which extend into, in whole or in part, the "Quiet Zone" described in Section 22.369(a) of the Rules. Licensees of those RSAs, during their license terms, will be permitted to file applications to serve areas within the Quiet Zone in accordance with the rules applicable to system expansion during the five year build out period.

Such a provision would allow licensees in markets overlapping the Quiet Zone an opportunity to take advantage of any future relaxation of the NRAO's interference protection standards or cellular technological developments which would allow improved coverage while complying with Quiet Zone restrictions. It would also allow cellular coverage improvement within the Quiet Zone to take place on orderly basis in close consultation with the NRAO.

If at some time in the future Quiet Zone coverage restrictions were removed, the Commission could remove this paragraph from the rules, set dates for accepting unserved area applications and treat the Quiet Zone like all other parts of the country.

As is shown at pages 5-6 above, the five year build out deadlines and subsequent dates for filing Phase I applications are fast approaching in the affected RSAs. In many cases, the day for filing Phase I applications will precede the time when the FCC would, in all likelihood, rule on this Petition.

Accordingly, while the FCC is considering the Petition and any comments that may be filed concerning it, we would ask that the Commission stay the acceptance of any RSA post five year buildout period unserved area applications proposing extensions into the Quiet Zone, including those of incumbent licensees.

For the reasons given above, Petitioners do believe that incumbent licensees should be granted the exclusive right to file applications in the Quiet Zone while Quiet Zone restrictions remain in effect.

However, we do not now ask that the FCC prejudge the issue by allowing incumbent licensees and no one else to file unserved area applications to serve the Quiet Zone in advance of the FCC's ruling on this Petition.

A stay of all post five year build out period RSA unserved area applications proposing service into the Quiet Zone while the FCC considers this request would be an appropriate means of

protecting the rights of all parties concerned as well as protecting the integrity of the Quiet Zone.

Conclusions

For the foregoing reasons, Petitioners respectfully request that the FCC issue a Notice of Proposed Rulemaking at the earliest possible date proposing the amendment of Section 22.949 as described above and simultaneously issue a stay of the acceptance of RSA Phase I and Phase II unserved area applications in the Quiet Zone.

Respectfully submitted,

**EASTERBROOKE CELLULAR
CORPORATION**

By: 

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& Carroccio
1155 Connecticut Ave., N.W.
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(202) 466-6800

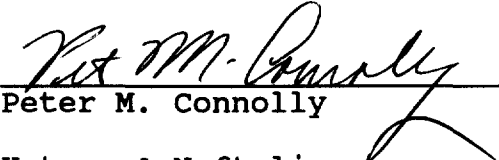
Its Counsel

May 4, 1995

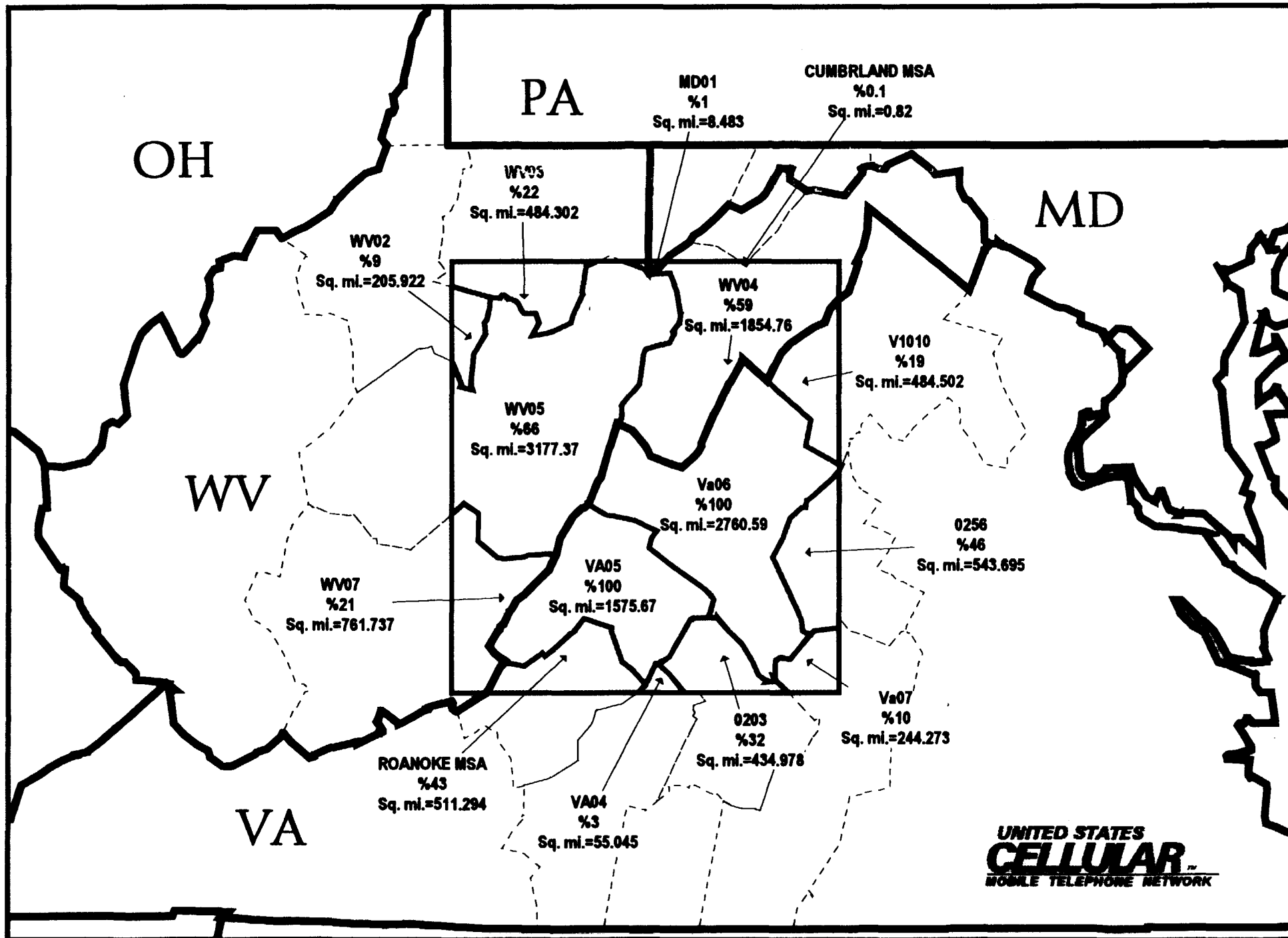
**UNITED STATES CELLULAR
CORPORATION**

By: 

Alan Y. Naftalin


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Its Counsel



UNITED STATES
CELLULAR
MOBILE TELEPHONE NETWORK



NATIONAL RADIO ASTRONOMY OBSERVATORY

POST OFFICE BOX 2 GREEN BANK, WEST VIRGINIA 24944-0002
 TELEPHONE 304 456-2011 FAX 304 456-2200

August 3, 1993

Lloyd M. McMurphy
 US Cellular
 8410 W Bryn Mawr Ave Suite 700
 Chicago IL 60631-3486

Re: Public Mobile (Cellular) Radio Service
 United States Cellular
 Chicago, IL 60631
 Preliminary evaluation of proposed
 870-890 MHz transmitter on Kelly
 Mountain near Elkins, WV, per
 your faxed letter dated 2Aug93.
 NRQZ #P605/2Aug93

Dear Mr. McMurphy:

When preparing your FCC application, you will need to provide for the limit of effective radiated power relative to a dipole (ERP_d) toward Green Bank, WV.

The NRAO must be notified when an application is mailed to the FCC. The notice should consist of a copy of the completed, signed, and dated FCC application form plus a cover letter giving the antenna gain-pattern and orientation sufficient to verify the ERP_d toward Green Bank. Then the NRAO will comment to the FCC.

The ERP_d limit(s) toward Green Bank and the antenna site parameters used for this evaluation are:

Location.....	Kelly Mountain
Latitude.....	38° 54' 43"
Longitude.....	79° 47' 19"
Ground elevation (AMSL)....	3160 feet
Antenna height (AGL).....	200 feet
Frequency.....	870.0 MHz
ERP _d limit.....	0.08 watts
Azimuth to Green Bank.....	184.8° true

If this ERP_d limit is too restrictive for the applicant's needs, I will work with you to find a mutually acceptable alternative.

The Navy research facility at Sugar Grove, WV, will not object to this application.

Sincerely,

Wesley A. Sizemore
 Interference Office
 (304) 456-2107

WAS/ss

**NATIONAL RADIO ASTRONOMY OBSERVATORY**

POST OFFICE BOX 2 GREEN BANK, WEST VIRGINIA 24944-0002
TELEPHONE 304 456-2011 FAX 304 456-2200

August 2, 1993

Eric D. Kitchen
8410 W Bryn Mawr Ave. Suite 700
Chicago, IL 60631-3486

Re: Public Mobile (Cellular) Radio Service
United States Cellular
Chicago, IL 60631
Preliminary evaluation of proposed
870-890 MHz band transmitters
near Covington, VA, per your
faxed letter dated 28Jul93.
NRQZ #P604/28Jul93

Dear Mr. Kitchen:

When preparing your FCC application, you will need to provide for the limit of effective radiated power relative to a dipole (ERP_d) toward Green Bank, WV.

The NRAO must be notified when an application is mailed to the FCC. The notice should consist of a copy of the completed, signed, and dated FCC application form plus a cover letter giving the antenna gain-pattern and orientation sufficient to verify the ERP_d toward Green Bank. Then the NRAO will comment to the FCC.

The ERP_d limit(s) toward Green Bank and the antenna site parameters used for this evaluation are:

Location.....	Covington, VA
Latitude.....	37° 48' 56"
Longitude.....	79° 59' 26"
Ground elevation (AMSL)....	1630 feet
Antenna height (AGL).....	205 feet
Frequency	870.0 MHz
ERP_d limit	0.05 watts
Azimuth to Green Bank	10.8° true

If this ERP_d limit is too restrictive for the applicant's needs, I will work with you to find a mutually acceptable alternative.

The Navy research facility at Sugar Grove, WV, will not object to this application.

Sincerely,

Wesley A. Sizemore
Interference Office
(304) 456-2107

WAS/ss

**NATIONAL RADIO ASTRONOMY OBSERVATORY**

POST OFFICE BOX 2 GREEN BANK, WEST VIRGINIA 24944-0002

TELEPHONE (304) 456-2011 FAX (304) 456-2200

April 4, 1995

Carl Fishel
TGC Telecom
4995 Golden Foothills Parkway Suite 2B
El Dorado Hills, CA 95762

Re: Cellular Radio Service
TGC Telecom
El Dorado Hills, CA
Preliminary evaluation of proposed
870-880 MHz band transmitter in
Marlinton, WV, per your faxed
letter dated 23Mar95.
NRQZ #P732/23Mar95

Dear Carl:

When preparing your FCC application, you will need to provide for the limit of effective radiated power relative to a dipole (ERP_d) toward Green Bank, WV.

The NRAO must be notified when an application is mailed to the FCC. The notice should consist of a copy of the completed, signed, and dated FCC application form plus a cover letter giving the antenna gain-pattern and orientation sufficient to verify the ERP_d toward Green Bank. Then the NRAO will comment to the FCC.

The ERP_d limit(s) toward Green Bank and the antenna site parameters used for this evaluation are:

Location.....	<u>Marlinton, WV</u>
Latitude.....	38° 13' 30"
Longitude.....	80° 05' 17"
Ground elevation (AMSL).....	2440 feet
Antenna height (AGL).....	140 feet
Frequency.	870.0 MHz
ERP_d limit	3.1×10^{-5} watts
Azimuth to Green Bank.....	43.0° true

If this ERP_d limit is too restrictive for the applicant's needs, I will work with you to find a mutually acceptable alternative.

The Navy research facility at Sugar Grove, WV, will not object to this application.

Sincerely,

Wesley A. Sizemore
Interference Office
(304) 456-2107

WAS/ss



NATIONAL RADIO ASTRONOMY OBSERVATORY

POST OFFICE BOX 2 GREEN BANK, WEST VIRGINIA 24944-0002
 TELEPHONE 304 456-2011 FAX 304 456-2200

June 8, 1993

Carl Fishel
 Rural Cellular Management
 2573 Claybank Road Suite 9
 Fairfield CA 94533

Re: Cellular Radio Service
 Rural Cellular Management
 Fairfield, CA 94533
 Preliminary evaluation of proposed
 870-880MHz band transmitters at Canaan
 Heights, South Canaan and Pumpkintown,
 per your letter dated 4Jun93.
 NRQZ #P601/7Jun93

Dear Mr. Fishel:

When preparing your FCC application, you will need to provide for the limit of effective radiated power relative to a dipole (ERP_d) toward Green Bank, WV.

The NRAO must be notified when an application is mailed to the FCC. The notice should consist of a copy of the completed, signed, and dated FCC application form plus a cover letter giving the antenna gain-pattern and orientation sufficient to verify the ERP_d toward Green Bank. Then the NRAO will comment to the FCC.

The ERP_d limit(s) toward Green Bank and the antenna site parameters used for this evaluation are:

Location	<u>Canaan Heights</u>	<u>South Canaan</u>	<u>Pumpkintown</u>
Latitude	39° 06' 14"	39° 00' 06"	38° 53' 53"
Longitude	79° 25' 52"	79° 28' 15"	80° 01' 01"
Ground elevation (AMSL)....	3800 feet	3700 feet	2520 feet
Antenna height (AGL).....	300 feet	200 feet	180 feet
Frequency	870.0 MHz	870.0 MHz	870.0 MHz
ERP_d limit	0.04 watts	0.01 watts	1.7 watts
Azimuth to Green Bank	205.6° true	207.0° true	163.4° true

If this ERP_d limit is too restrictive for the applicant's needs, I will work with you to find a mutually acceptable alternative.

The Navy research facility at Sugar Grove, WV will not object to this application.

Sincerely,

Wesley A. Sizemore
 Interference Office
 (304) 456-2107

WAS/as



NATIONAL RADIO ASTRONOMY OBSERVATORY

POST OFFICE BOX 2 GREEN BANK, WEST VIRGINIA 24944-0002
 TELEPHONE 304 456-2011 TWX 710 938-1530 FAX 304 456-2271

April 4, 1991

Mr. Carl Fishel
 Rural Cellular Management
 2573 Claybank Road, Suite 9
 Fairfield, CA 94533

Re: Cellular Radio Service
~~RURAL CELLULAR MANAGEMENT~~
 Fairfield, CA 94533
 Request for preliminary evaluation
 of 870 MHz transmitter
 near Beverly, WV, and
 2110 MHz transmitter on
 Rich Mountain near Elkins, WV,
 per your phone request on
 2 April 1991.
 NRQZ #P437/2Apr91

Dear Mr. Fishel:

When preparing your FCC application, you will need to provide for the limit of effective radiated power relative to a dipole (ERP_d) toward Green Bank, WV.

The NRAO must be notified when an application is mailed to the FCC. The notice should consist of a copy of the completed, signed, and dated FCC application form plus a cover letter giving the antenna gain-pattern and orientation sufficient to verify the ERP_d toward Green Bank. Then the NRAO will comment to the FCC.

The ERP_d limit(s) toward Green Bank and the antenna site parameters used for this evaluation are:

Location	<u>Near Beverly</u>	<u>Rich Mountain</u>
Latitude	38° 51' 53"	38° 52' 21"
Longitude	79° 49' 26"	79° 55' 37"
Ground elevation (AMSL) ..	2360 feet	3420 feet
Antenna height (AGL)	100 feet	100 feet
Frequency	870.0 MHz	2110.0 MHz
ERP _d limit	23.8 watts	0.07 watt
Azimuth to Green Bank	181.3° true	170.7° true

If this ERP₁ limit is too restrictive for the applicant's needs, I will work with you to find a mutually acceptable alternative.

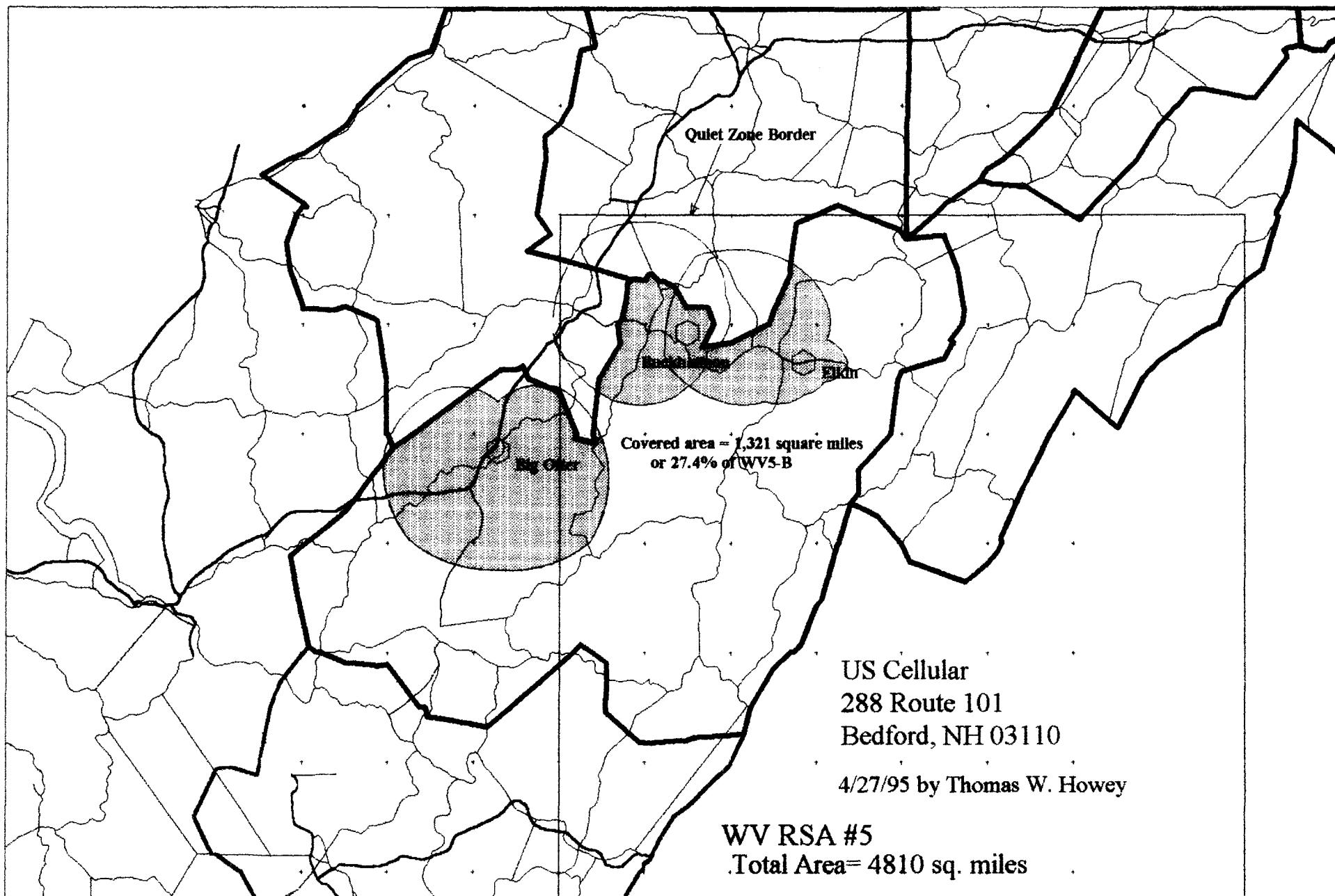
The Navy's research facility at Sugar Grove, West Virginia, does not object to these transmitters.

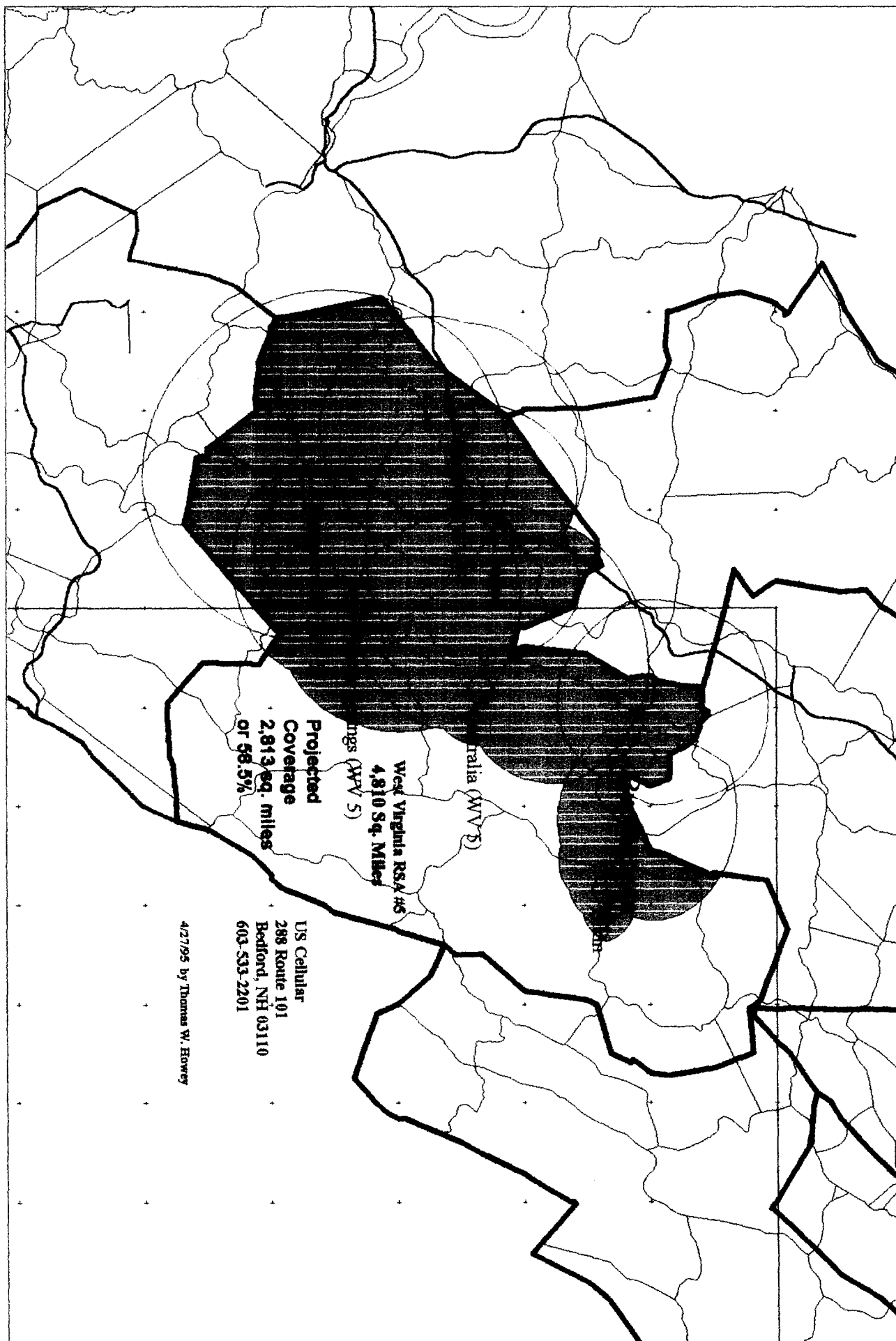
Sincerely,



Wesley A. Sizemore
Interference Office
(304) 456-2107

WAS/cjd





ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY 4 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 22.949)
of the Commission's Rules To) RM -
Provide For A Moratorium On)
Acceptance of "Unserved Area")
Cellular Applications Within)
The National Radio Quiet Zone)

DOCKET FILE COPY ORIGINAL

MOTION FOR STAY

Easterbrooke Cellular Corporation ("Easterbrooke") and United States Cellular Corporation ("USCC") (jointly "Petitioners") hereby move, pursuant to Section 1.44(e) of the Commission's Rules to stay the effectiveness of Section 22.949(a) and (b) of the FCC's Rules, as follows. Easterbrooke and USCC request that the filing of Phase I or Phase II "unserved area" area applications for RSAs proposing Service Area Boundaries which extend, in whole or in part, into the National Radio Quiet Zone ("Quiet Zone") described in Section 22.369(a) of the FCC's Rules, be stayed during the pendency of the rulemaking proceeding requested in Petitioners' companion "Petition For Rulemaking." Acceptance of unserved area applications not proposing any overlap with the Quiet Zone would not be affected.

Background

In the Petition For Rulemaking to which this Motion is attached, Petitioners demonstrate that Section 22.949 should be amended to preclude the filing of any "unserved area" applications

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